Each of the independent claims specify an arrangement in an executable system for

controlling execution of a <u>voice application</u>. Claim 1 is exemplary:

> 1. A method in an executable system for controlling execution of an executable voice
> application, the method comprising:
> storing an extensible markup language (XML) control document specifying at least one
> <u>shared application control parameter</u> for execution of the executable voice application in an
> <u>application runtime environment</u> generated by the executable system; and
> parsing the XML control document for execution of the executable voice application by
> the application runtime environment <u>according to the at least one shared application control</u>
> <u>parameter</u>;
> controlling execution of <u>a first instance of the executable voice application for a first</u>
> <u>subscriber</u>, by the application runtime environment, based on parsing a corresponding first
> user-specific XML control document specifying user-specific application control parameters
> <u>overlying the shared application control parameter</u>; and
> controlling execution of <u>a second instance of the executable voice application for a</u>
> <u>second subscriber</u>, by the application runtime environment and concurrent with execution of the
> first instance, based on parsing a corresponding second user-specific XML control document
> specifying user-specific application control parameters <u>overlying the shared application control</u>
> <u>parameter</u>.

Claim 16 further specifies a system that includes a computer-based system having an

application server configured for generating the application runtime environment for execution of

the voice application as specified above. Claims 24 and 46 include the limitations of claim 1.

The claimed parsing of the XML control document specifying the shared application

control parameter provides the advantage of providing the application runtime environment with

runtime control defaults and context information for execution of the executable voice

application. Hence, the context information as specified in the claimed "shared application

control parameter" can then be used by the application runtime environment to control execution

of an instance of the executable voice application for a first subscriber based on parsing

corresponding user-specific application control parameters <u>overlying the shared application control parameter.</u>

Hence, the application runtime environment obtains basic runtime control defaults ("shared application control parameter") from the XML control document, and user-specific attributes ("user-specific application control parameters") from user-specific XML control documents. Moreover, the execution of the multiple instances based on the respective user-specific application control parameters <u>overlying the shared application control parameter</u> eliminates the necessity for overly-specific XML documents to define a voice-enabled web application. In addition, the XML control document enables the application server to maintain a generic application runtime environment, enabling applications to share common control information and provide personalized services for subscribers based on respective user specific control attributes. (See, e.g., page 5, lines 1-7 and page 10, lines 6-22 of the specification).

These and other features are neither disclosed nor suggested in the applied prior art.

Applicant traverses the tortured interpretation of Ladd et al by the Examiner in an attempt to mischaracterize the reference: the Examiner misapplies Ladd by asserting on page 4 that "Ladd discloses sharing the *application controls* among multiple users in Figure 3 at reference signs 201 ... and ...202". There is <u>no</u> disclosure or suggestion by Ladd et al. of sharing the claimed "application control parameter". The <u>only</u> feature that is shared by Ladd et al. is that different <u>devices</u> can be used to <u>access</u> the electronic network 206:

> The user can access the electronic network 206 by dialing a single direct access telephone number (i.e., a foreign exchange number, a local number, or a toll-free number or PBX) from the communication device 202. The user can also access the electronic network 206

from the communication device 204 via the internet, from the communication device 203 via a paging network 211, and from the communication device 201 via a local area network (LAN), a wide area network (WAN), or an email connection.

(Col. 5, lines 21-28).

Moreover, Ladd et al <u>teaches away</u> from the claimed application runtime environment by <u>separating</u> the parser 302, the state machine 306, and the interpreter 304 into <u>separate and distinct elements</u>. The parser generates a tree that is stored in the memory of the state machine 306 (col. 12, lines 21-23). Hence, the state machine 306 <u>cannot</u> store application context in terms of *shared application control parameters*, but can <u>only</u> store the tree structure of the markup language and the <u>current state that the voice browser is executing</u>. (See col. 13, line 60-65).

There is <u>no disclosure or suggestion</u> that Ladd et al. provides an *application runtime environment* capable of executing user-specific application control parameters *overlying the shared application control parameter*, as claimed,

The Official Action admits that "Ladd fails to disclose the selective parsing of documents for first and second service subscribers." However, there is no evidence that one of ordinary skill in the art would have been motivated to modify Ladd et al. to include the teachings of Humpleman et al., especially since Humpleman et al. is non-analogous art.

Humpleman et al. is non-analogous prior art because it is directed to extending a remote control device for homeowner's appliances (e.g., TV, VCR, etc.) by using the appliances to communicate the remote control commands via a home network (see col. 1, lines 28-30 and 33-65), and is not within the field of the inventors' endeavor, namely providing voice enabled web

applications within a hypertext markup language (HTML) and hypertext transport protocol

(HTTP) framework; further, Humpleman et al. is not reasonably pertinent to the particular

problem with which the inventors were involved, namely developing voice-enabled web

applications using XML documents in a manner that provides sufficient flexibility for

modification of the voice-enabled web applications with minimal changes to the XML

documents defining the applications. Humpleman et al. provides no disclosure or suggestion of

an application runtime environment generated by parsing a first XML control document for a

shared application control parameter, and a user-specific XML control document for user-

specific application control parameters overlying the shared application control parameter, and as

such is non-analogous art. In re Wood, 202 USPQ 171, 174 (CCPA 1979).

Moreover, the supposed motivation to modify Ladd et al to include Humpleman et al. is

illusory and ill-founded: the Examiner relies on col. 2, lines 45-48 of Humpleman et al. to assert

on page 6 that the supposed benefit would be "to provide the ability for various software

applications to automatically command and control other various software applications."

However, col. 2, lines 45-48 of Humpleman et al. addresses a problem in the art that the

Examiner apparently has disregarded (limitations of remote control units), especially since it is

not reasonably pertinent to the problem with which the inventors were involved:

> Another drawback associated with using remote control units is that known remote
> control units cannot control a plurality of diverse devices, and more particularly, cannot
> control a plurality of devices having different capabilities to communicate with each other
> in order to accomplish tasks or provide a service. Further, *conventional network systems
> do not provide a mechanism for software applications in different network devices to*

automatically communicate with one another in order to accomplish tasks without direct user command.

(Col. 2, lines 28-37).

Hence, the piecemeal application of Humpleman et al. is improper: the reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention (see MPEP 2141.02 at page 2100-95 (Rev. 1, Feb. 2000) (citing W.L. Gore & Associates, Inc. v. Garlock, Inc., 22 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984))).

Even if one skilled in the art would have been motivated to add the teachings of Humpleman et al. to Ladd et al., the resulting hypothetical combination would provide no more than a device that uses different XML pages for different services. Humpleman et al. merely describes that, instead of a human user (utilizing a browser in a client device) interacting with a remote service application "S" ("instance A"), the human user may be replaced with a software client control program ("instance B") or an application such as a server device control program ("instance C"). Hence, Humpleman et al. merely describes *alternative* interactions between client devices 12 and server devices 14. Humpleman et al., however, provides no disclosure or suggestion of concurrent execution of two instances of the same executable voice application for respective subscribers, as claimed.

There is no disclosure or suggestion in the hypothetical combination of: (1) executing a first instance of an executable voice application for a subscriber based on a combination of parsed XML documents that result in *user-specific application control parameters overlying the*

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shared application control parameter; or (2) concurrent execution of a <u>second</u> instance of the executable voice application by the application runtime environment based on a corresponding <u>second</u> user-specific XML control document specifying user-specific application control parameters *overlying the shared application control parameter.*

None of the references, singly or in combination, disclose or suggest an application runtime environment configured for parsing an XML document specifying <u>a shared application control parameter</u>, for use in execution by the application runtime environment of user-specific voice applications that are based on parsing respective user-specific control documents specifying user-specific control parameters <u>overlying the shared application control parameter.</u>

Further, there is no disclosure or suggestion in the applied references of an application runtime environment configured for concurrent execution of multiple instances of the executable voice application for respective subscribers *based on the same shared application control parameter.*

An evaluation of obviousness must be undertaken from the perspective of one of ordinary skill in the art addressing the same problems addressed by the applicant in arriving at the claimed invention. <u>Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve</u>, 23 USPQ 416, 420 (Fed. Cir. 1986), <u>cert. denied</u>, 484 US 823 (1987). Thus, the claimed structures and methods cannot be divorced from the problems addressed by the inventor and the benefits resulting from the claimed invention. <u>In re Newell</u>, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989). None of the applied references, singly or in combination, even *begin* to address the problems solved by the inventors, let alone teach the features as claimed.

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For these and other reasons, the rejection of claims 1, 16, 28, and 46 should be withdrawn.

The rejection of claims 43 and 45 is further traversed. Claims 43-45 specify that the first and second instances each are controlled based on the application runtime environment *terminating* the corresponding instance in response to the corresponding instance having output a web page having media information for the corresponding subscriber. Hence, the executable system provides the advantageous feature of providing a web-based execution, where a given application instance for a corresponding subscriber is *terminated* in response to having output a web page having media information for the corresponding subscriber. Consequently, the executable system provides scalability by utilizing system resources only for generating a response, as opposed to conventional telephony-based systems (as in Ladd et al.) that require system resources to be consumed during an entire subscriber messaging session.

There is absolutely no disclosure or suggestion whatsoever in the applied references, singly or in combination, of terminating the application instance upon outputting a web page, as claimed. In fact, Ladd et al. requires a persistent execution of the state machine 306 during execution of the states of Figures 5A, 5B, 5C. For these and other reasons, these §103 rejections should be withdrawn.

Claims 8-10, 19-21, 35-37, and 50-52 stand rejected under §103 in view of Ladd et al., Humpleman et al., and U.S. Patent No. 6,584,466 to Serbinis et al. It is believed these claims are allowable in view of the foregoing.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-411, and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: November 22, 2004
(November 21, 2004 = Sunday)

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